

COUNCIL AGENDA: 12/07/04

ITEM: 8.1(a)

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Ralph G. Tonseth

**SUBJECT: FIRST AMENDMENT TO ACT
PROGRAM CONSULTANT
AGREEMENT IN EXPANDED
AREA / PHASE 9D - 9L**

DATE: November 15, 2004

Approved

Date

11/24/04

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Adoption of a resolution authorizing the City Manager to negotiate and execute a First Amendment to the agreement with Corlett, Skaer and DeVoto Architects, Inc. for consultant services related to noise attenuation of properties located within the Noise Impact Area, increasing the compensation by \$3,314,585 to \$7,330,066 and extending the term of the agreement from December 31, 2005 to June 30, 2007.

BACKGROUND

On January 29, 2003 the City entered into an agreement with Corlett, Skaer and DeVoto Architects, Inc. (the Consultant) to perform consultant services for the acoustical treatment for up to 900 dwelling units in the Acoustical Treatment Program (ACT) expanded Noise Impact Area (NIA).

The agreement was written to be completed in two parts, the first part was for professional services for up to 500 dwelling units, the second part was for professional services for up to 400 dwelling units. CSDA has completed the first part of the agreement.

ANALYSIS

The City has acoustically treated approximately 1800 dwelling units in Santa Clara and San Jose, as part of the ACT Program. This agreement, totaling 900 dwelling units, represents consultant services for the balance of the remaining eligible dwelling units located in San Jose in the Rosemary Gardens, Guadalupe Washington and Ryland Vendome neighborhoods.

Funding for the additional compensation necessary to complete all consultant services under this agreement has previously been appropriated. This amendment will allow the Consultant to complete all consultant services provided for under the agreement by adding the previously appropriated compensation to the agreement and by extending the term for an additional eighteen months. The extension of the term of the agreement is a result of increase in the number of dwelling units identified as historical, which require additional assessment, design and construction administration services.

AIRPORT MASTER PLAN CONSISTENCY

The San Jose Municipal Code requires all Airport capital projects to be consistent with the adopted Airport Master Plan. As the Airport's Acoustical Treatment Program is explicitly identified in the Airport Master Plan as an EIR mitigation measure, the proposed consultant agreement amendment is consistent with the Master Plan pursuant to Municipal Code Section 25.04.210(B)(2).

PUBLIC OUTREACH

The ACT Program is actively involved in the Community, and ACT Program staff attends meetings on a regular basis with various neighborhood association groups. The City has mailed offers for acoustical treatment as well as mailings advising property owners of the status of their acoustical treatment.

The Acoustical Treatment Field Office, located at 310 Edwards Avenue, Room 103 is available during normal business hours for all property owners to inspect the individual treatment components as well as to ask questions regarding the sound attenuation of their property.

An ACT Program telephone line is monitored daily for any inquiries about the Program.

COORDINATION

Preparation of the first amendment has been coordinated with the Office of the City Attorney and Risk Management.

COST IMPLICATIONS

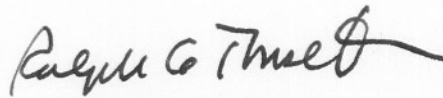
The ACT Program, which is part of the Airport Noise Attenuation capital project, is funded by a combination of Airport Passenger Facility Charges (PFC) revenues and Airport Improvement Grant funds. (AIP)

BUDGET REFERENCE

| Fund # | Appn # | Appn. Name | RC # | Total Appn* | Amt. For Contract | Proposed Budget Page | Last Budget Action (Date, Ord. No.) |
|--------|--------|---|--------|---------------------|--------------------|----------------------|-------------------------------------|
| 529 | 4070 | Noise Attenuation Treatment – Category 1B | 126723 | \$19,475,000 | \$3,314,585 | Page - V 46 | 06/22/04 Ord. No. 27196 |
| | | Total | | \$19,475,000 | \$3,314,585 | | |

CEQA

Resolutions No. 67380 and 71451, PP 04-307



RALPH G. TONSETH
Director of Aviation

RGT:BB

NOV 15 11 15 3 AM
2004
RECEIVED

